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# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the insecticide act]

1226-1245

[Approved by the Secretary of Agriculture, Washington, D. C., September 9, 1932]

**1226. Misbranding of Odora Peak deodorant and moth destroyer. U. S. v. 12 Dozen Packages of Odora Peak. Consent decree of condemnation, forfeiture, and destruction. (I. & F. No. 1582. S. No. 266.)**

The product, Odora Peak deodorant and moth destroyer, involved in this action was contained in packages the label of which bore directions and claims that the article, when opened and the odors permitted to escape, would destroy certain insects and objectionable odors. Examination showed that the article would not destroy such insects and odors when used as directed.

On April 19, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen packages, each containing six peaks of Odora Peak. It was alleged in the libel that the article had been shipped on or about March 10, 1932, by the Odora Co. (Inc.), from New York, N. Y., into the State of New Jersey, that having been so transported it remained unsold in the original unbroken packages at Morristown, N. J., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was charged in the libel in that the statements, "Odora Peak Deodorant and Moth Destroyer \* \* \* Most efficient moth destroyer Destroys roaches, insects, etc." and "Removes objectionable odors in bathrooms, basements, closets, etc.," borne on the label affixed to each of the peaks, were false and misleading; and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that the article, when used as directed, would be effective against moths, roaches, and all insects, and would remove objectionable odors in bathrooms, basements, closets, etc.; whereas the article, when used as directed, would not be effective for such purposes.

On May 13, 1932, by consent of the owner, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1227. Adulteration and misbranding of H T H. U. S. v. Ninety 4-Pound Cans of H T H. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1580. S. No. 265.)**

Examination of samples of H T H, a product recommended for use in preparing sterilizing solutions, showed that it contained less available chlorine than labeled; solutions prepared from the article would not possess the sterilizing properties claimed; and the statement of ingredients was not declared in manner provided by law.

On April 16, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 cans of the said H T H. It was alleged in the libel that the article had been shipped on or about February 11, 1932, by the Mathie-

son Alkali Works (Inc.), from Niagara Falls, N. Y., to Baltimore, Md., that having been so transported it remained unsold in the original unbroken packages at Baltimore, Md., and that it was an adulterated and misbranded fungicide within the meaning of the insecticide act of 1910.

Adulteration of the article was charged in the libel for the reason that the statements regarding the article, to wit, "The H T H in this package contains 2½ lbs. Available Chlorine \* \* \* This package contains an accurately measured quantity of H T H, a concentrated calcium hypochlorite testing 65% available chlorine. \* \* \* The following table shows the strength of hypochlorite solution obtained with this can of H T H (either with or without the use of soda ash) when made up with different quantities of water:

|       | Concentration of Solution<br>Desired (Available<br>Chlorine Content) | Total Volume of<br>Solution (U. S.<br>Gallons) |
|-------|--|--|
| 0.6%  | 6,000 p. p. m.   | 50 gals.                                       |
| 0.75% | 7,500 p. p. m.   | 40 gals.                                       |
| 1.0%  | 10,000 p. p. m.  | 30 gals.                                       |
| 1.5%  | 15,000 p. p. m.  | 20 gals.                                       |
| 3.0%  | 30,000 p. p. m.  | 10 gals.                                       |

"For example, if a 1.0% solution is required use enough water to make up 30 gallons of solution. \* \* \* For sterilizing solutions, 1 can of H T H dissolved in 30 gallons of water gives a solution containing 10 000 parts per million available chlorine. One quart of this solution may be made up with water to 25 gallons to give a solution containing 100 parts per million," borne on the label affixed to the cans containing the article, represented that its standard and quality were such that each of the said cans contained 2½ pounds of available chlorine; that the article contained 65 per cent of available chlorine and that solutions made as directed would contain the percentage of available chlorine stated on the label; whereas the strength and purity of the article fell below the professed standard under which it was sold, in that each of the cans contained less than 2½ pounds of available chlorine; the article contained less than 65 per cent of available chlorine, and solutions made as directed would contain less available chlorine than stated.

Misbranding was alleged for the reason that the above-quoted statements borne on the can labels were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since the said article contained less available chlorine than represented and solutions made as directed would contain less than the percentage amount of available chlorine stated on the label. Misbranding was alleged for the further reason that the statements, to wit, "For \* \* \* Preparation of \* \* \* Sterilizing Solutions \* \* \* and should not be confused with any other product on the market which is used for preparing, bleaching or sterilizing solutions," borne on the label, were false and misleading; and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that the solutions prepared as directed would sterilize; whereas the solution prepared as directed would not sterilize. Misbranding was alleged for the further reason that the article consisted partly of inert substances, to wit, substances other than calcium hypochlorite, i. e., substances that do not prevent, destroy, repel, or mitigate fungi (bacteria), and did not have the name and percentage amount of each and every one of said inert substances or ingredients stated plainly and correctly on the label affixed to each of the cans containing the article; nor, in lieu thereof, were the name and percentage amount of the substances or ingredients of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances or ingredients so present in the article, stated plainly and correctly on the label.

On May 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**122S. Misbranding of Cedartex. U. S. v. 25 Bags of Cedartex. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1570. S. No. 255.)**

Examination of samples of Cedartex, an article intended for use as a permanent moth repellent, showed that the article would not be effective for such purpose; also that the sacks containing the article were short of the declared weight.



On February 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 25 bags of Cedartex. It was alleged in the libel that the article had been shipped on or about August 9, 1929, by the E. D. Coddington Manufacturing Co., Milwaukee, Wis., into the State of Illinois, that having been so transported it remained unsold in the original unbroken packages at Chicago, Ill., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was charged in the libel in that the statements, "25 Lbs. Net Weight" and "Cedartex Plaster Lining For Clothes Closets. \* \* \* Moth Repellent Permanent," were false and misleading, and by reason of said statements the article was labeled and branded so as to mislead and deceive the purchaser, in that they represented that each of the said bags contained 25 pounds of the article and that the said article, when used as directed, would act as a permanent repellent of moths; whereas each of said bags did not contain 25 pounds but did contain a less amount and the article, when used as directed, would not act as a permanent repellent of moths. Misbranding was alleged for the further reason that the article consisted partially of inert substances, namely, substances other than cedar oil, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each of said inert substances contained in the article were not stated plainly and correctly on the label of the bags containing the said article; nor, in lieu thereof, were the name and percentage amount of the substance or ingredient of the article having insecticidal properties, and the total percentage of the inert ingredient so present therein, stated plainly and correctly on each of the labels.

On March 25, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1229. Misbranding of Cocksec sticks and Cocksec spirals. U. S. v. 300 Boxes of Cocksec Sticks, et al. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1564. S. No. 254.)**

Examination of Cocksec sticks and Cocksec spirals, products intended for use as insecticides, showed that the articles would not be effective in the control of certain insects for which they were recommended. The label failed to bear a statement of the name and percentage amount of each inert ingredient; nor in lieu thereof, the name and percentage amount of each active ingredient and the total percentage of the inert ingredients, as required by law.

On January 12, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 boxes of Cocksec sticks and 50 boxes of Cocksec spirals at San Juan, P. R. It was alleged in the libel that the articles had been shipped on or about September 30, 1931, by Langfelder, Homma & Hayward (Inc.), San Francisco, Calif., to San Juan, P. R., that they were being sold and offered for sale in Puerto Rico by Gonzalez Padin & Co. (Inc.), San Juan, P. R., and that they were misbranded insecticides within the meaning of the insecticide act of 1910.

Misbranding of the said Cocksec spirals was alleged in the libel for the reason that the statement "Mosquito Exterminador," borne on the cartons containing the article, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, in that it represented that the article, when used as directed, would exterminate mosquitoes, whereas it would not. The libel alleged that the said Cocksec spirals were further misbranded in that the statements, "Take this 'Cocksec Spiral' and smoke them in the room well shut up, then mosquitoes, flies, cockroaches, etc. will be instantly dropped and keep off," (translated from Spanish) "In order to destroy mosquitoes one ought to fumigate with 'Cocksec Espira' lighting it at one of its extremities," (translated from Portuguese) "Fumigate with 'Cocksec Espiral,' lighting them at one of their extremities, in the places where the mosquitoes, flies or any other flying insects may appear," borne on the envelopes inclosing the article, represented that the said article, when used as directed, would be effective against mosquitoes, flies, cockroaches, etc., and against all other flying insects, and would destroy mosquitoes under all conditions, whereas it would not be effective for the above purposes.

Misbranding of the Cocksec sticks was alleged for the reason that the statements, "Better Than Best Mosquito Killer \* \* \* This is the season of the year when the disease breeding arrives to infect your home. We are ready to assist you in ridding yourself of this pest. Try our Cocksec \* \* \* Cocksec Mosquito Sticks," (translated from Japanese) "The best stick of mosquito killers \* \* \* Mosquito Sticks," (translated from Portuguese) "Exterminates flies and mosquitoes," borne on the box labels, and the statements, "Better Than Best Mosquito Killer \* \* \* Take a few of these sticks and smoke them in the room well shut up and the mosquitoes and flies therein will instantly drop and die," (translated from Spanish) "The Best Insecticide. To destroy mosquitoes and flies, smoke the stick, lighting it at one of its extremities," (translated from Portuguese) "The most powerful insecticide. Smoke the stick, lighting it at one of its extremities, in the places where the mosquitoes and flies appear," borne on the wrappers of the said sticks, and the statements, "Cocksec Sticks and Spirals. This is the most wonderful destroyer of insects that can be found in the world. If you take a few of these sticks of spirals and smoke them in a room well inclosed, mosquitoes, flies, gnats, cockroaches, etc., therein will die instantaneously from the effects of the smoke," (translated from Spanish) "This celebrated insecticide 'Cocksec' exterminates all kinds of insects \* \* \* To destroy mosquitoes or any other flying insects, fumigate with 'Cocksec' in sticks or spirals lighting it at one of its extremities," (translated from Portuguese) "Fumigate with 'Cocksec' Stick and 'Cocksec' Spiral. Light it at one of its extremities in the places where the flies and other flying insects appear," appearing in the circulars accompanying the said sticks represented that the article, when used as directed, would be effective against mosquitoes, flies, gnats, cockroaches, etc., and against all flying insects, whereas the article would not be effective for the above purposes.

Misbranding of both products was alleged for the further reason that the articles consisted partially of inert substances, namely, substances other than powdered pyrethrum flower heads, and the name and percentage amount of each and every one of such inert substances or ingredients were not stated on the labels borne on or affixed to the package of the articles; nor, in lieu thereof, were the name and percentage amount of the substances or ingredients of the articles having insecticidal properties, and the total percentage of the inert ingredients present therein, stated plainly and correctly on the labels.

On February 3, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1230. Adulteration and misbranding of calcium arsenate. U. S. v. Thirty 100-Pound Drums of Lead Arsenate and Lime. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1551. S. No. 243.)**

Examination of samples of a product, labeled calcium arsenate, showed that the article was in fact a mixture of lead arsenate and lime. The labeling of the article failed to declare the total amount of arsenic, the amount of arsenic in water-soluble form, and the inert ingredients (ingredients ineffective for insecticidal purposes) contained in the article, in manner required by law.

On August 5, 1931, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty 100-pound drums of a mixture of lead arsenate and lime, labeled "Liberty Brand Calcium Arsenate." It was alleged in the libel that the article had been shipped on or about July 25, 1931, by John Mosby, jr., Memphis, Tenn., to Coldwater, Miss., that having been so transported it remained in the original unbroken packages at Coldwater, Miss., and that it was an adulterated and misbranded insecticide other than Paris green and lead arsenate, within the meaning of the insecticide act of 1910.

Adulteration of the article was charged in the libel for the reason that lead arsenate and lime had been substituted for calcium arsenate, and for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement "Calcium Arsenate," borne on the drums, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that



the article was a product other than Paris green or lead arsenate, containing arsenic, and did not have the total amount of arsenic, expressed as metallic arsenic, stated on the label; and in that it contained arsenic in water-soluble form and did not have the amount thereof, expressed as per centum of metallic arsenic, stated on the label. Misbranding was alleged for the further reason that the article consisted partially of inert substances, namely, substances other than lead arsenate, which substances do not prevent, destroy, repel, or mitigate insects, and did not have the name and percentage amounts of each and every one of such inert ingredients contained therein plainly and correctly stated on the label on the said drums; nor, in lieu thereof, did the label state the name and percentage amount of the ingredient having insecticidal properties contained in the article, and the total percentage of inert ingredients.

On December 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1231. Misbranding of Odora cedar fluid. U. S. v. 140 Bottles, et al., of Odora Cedar Fluid. Consent decrees of condemnation, forfeiture, and destruction. (I. & F. Nos. 1583, 1584. S. Nos. 267, 268.)**

Examination of a product, labeled Odora cedar fluid, with which were shipped a number of so-called Motholators, intended to be used with the fluid, showed that the articles, when used as directed, would not afford the moth protection claimed in the labeling.

On April 22 and April 25, 1932, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 190 bottles of Odora cedar fluid. It was alleged in the libels that the article had been shipped in part on or about February 5, 1932, and in part on or about February 10, 1932, by the Odora Co. (Inc.), from New York, N. Y., into the State of New Jersey, that having been so transported it remained unsold in the original unbroken packages, 140 bottles at Elizabeth, N. J., and 50 bottles at Long Branch, N. J., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was charged in the libels for the reason that the statements, "The Ideal Moth Repellant \* \* \* Efficient \* \* \* Makes Every Closet A Cedar Closet \* \* \* The Vapors emitted protect contents of closet from destructive moths," borne on the carton inclosing the fluid, and the statements, "Use Odora Motholator with Odora Cedar Fluid for Complete Moth Protection \* \* \* For use with Odora Cedar Fluid The Scientific Moth Repellant \* \* \* Makes Every Closet a Cedar Closet," borne on the said cartons containing the Motholators, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be efficient in repelling moths, would protect the contents of closets from destructive moths, would furnish complete moth protection, would act as a scientific moth repellant, and would make every closet as effective against moths as would a cedar closet; whereas the article, when used as directed, would not be effective for the said purposes.

On May 13, 1932, upon the consent of the owner, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1232. Adulteration and misbranding of Bordo lead arsenate and Green Cross Nico-Tone. U. S. v. The Lucas Kil-Tone Co. Pleas of guilty. Fine, \$490. (I. & F. No. 1560. Dom. Nos. 23774, 23775, 30773.)**

This action involved two shipments of a product, labeled "Bordo Lead Arsenate," a combined insecticide and fungicide, and one shipment of a product, labeled "Green Cross Nico-Tone," an insecticide. The Bordo lead arsenate contained less lead arsenate and a larger percentage of inert ingredients (ingredients ineffective for the purposes for which the product was intended) than labeled; one shipment of the article contained calcium arsenate which was not declared, and also contained a greater amount of arsenic in water-soluble form than declared. Further investigation of the Bordo lead arsenate showed that it would not prevent certain plant diseases, and would not be

effective against certain insects for which it was recommended when used as directed. The Green Cross Nico-Tone contained less nicotine and a greater percentage of inert ingredients than declared on the label.

On January 23, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Lucas Kil-Tone Co., a corporation, Vineland, N. J., alleging shipment by said company, in violation of the insecticide act of 1910, of quantities of Bordo lead arsenate and of a quantity of Green Cross Nico-Tone, which products were adulterated and misbranded. The information alleged that the said Bordo lead arsenate had been shipped in part on or about February 2, 1931, and in part on or about February 6, 1931, from the State of New Jersey into the State of Illinois, and that the said Green Cross Nico-Tone had been shipped on or about June 3, 1931, from the State of New Jersey into the State of Pennsylvania.

Adulteration of the said Bordo lead arsenate was alleged in the information for the reason that the statements, "Bordo Lead Arsenate \* \* \* Total Copper (Expressed as metallic) 5.25-6.25% Dry Lead Arsenate 73.00-76.00% Inert Ingredients not more than 21.75% \* \* \* Bordo Lead Arsenate is a combination of Arsenate of Lead, a poison to most leaf-eating insects, with a specially prepared copper fungicide," borne on the label affixed to the packages containing a portion of the article, and the statements "Dry Lead Arsenate 73.00-76.00% Inert Ingredients not more than 21.75%," borne on the labels affixed to the packages containing the remainder, represented that the standard and quality of the article were such that it contained not less than 73 per cent of lead arsenate and not more than 21.75 per cent of inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects or fungi; also, in the case of a portion of the article, that its active ingredients consisted of copper and lead arsenate only; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained less lead arsenate and more inert ingredients than so represented, and a portion of the article contained calcium arsenate, an active ingredient, in addition to copper and lead arsenate. Adulteration of a portion of the article was alleged for the further reason that the statements, "Active Ingredients Total Copper (Expressed as metallic) 5.25-6.25% Dry Lead Arsenate 73.00-76.00%," borne on the label, represented that its active ingredients consisted of copper and lead arsenate only, whereas calcium arsenate had been substituted in part for the article.

Adulteration of the Green Cross Nico-Tone was alleged for the reason that the statements, "Nicotine 2.75%-3.25% Inert Ingredients 96.75%-97.25%," borne on the label, represented that the standard and quality of the article were such that it contained not less than 2.75 per cent of nicotine, and contained not more than 97.25 per cent of inert ingredients; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less nicotine and more inert ingredients than so represented.

Misbranding of the Bordo lead arsenate was alleged for the reason that the statements, "Bordo Lead Arsenate \* \* \* Bordo Lead Arsenate is a combination of Arsenate of Lead, a poison to most leaf-eating insects, with a specially prepared copper fungicide," and "Active Ingredients Total Copper (Expressed as metallic) 5.25-6.25% Dry Lead Arsenate 73.00-76.00% Inert Ingredients not more than 21.75%" and "Arsenic in Water Soluble form expressed as metallic not more than .75%," with respect to one lot of the article, the statements, "Dry Lead Arsenate 73.00-76.00% Inert Ingredients not more than 21.75%," with respect to the second lot of the article, and the statements, "Bordo Lead Arsenate has been successfully used by many of our customers for the prevention of many diseases of the apple, pear, and quince controllable by copper sprays and against many leaf-eating insects \* \* \* Bordo Lead Arsenate may be used in accordance with panel No. 2 at the rate of  $\frac{3}{4}$  lbs. to 50 gallons of water," which were borne on the labels of both lots of the article, were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since the article contained less lead arsenate and more inert ingredients than labeled; when used in the dilution of three-fourths pound to 50 gallons of water as recommended it would not prevent many diseases of the apple, pear, and quince controllable by copper sprays, and could not be successfully used against



many leaf-eating insects as represented in the said statements; and one lot of the article was not a lead arsenate and fungicide only, as stated in the label, but did consist of lead arsenate, a copper fungicide, to wit, Bordeaux mixture, and calcium arsenate; it had other active ingredients than declared on the label namely, calcium arsenate, and it contained more than .75 per cent of arsenic in water-soluble form (expressed as metallic arsenic), the percentage declared. Misbranding of the Green Cross Nico-Tone was alleged for the reason that the statements, "Nicotine 2.75%-3.25% Inert Ingredients 96.75%-97.25% \* \* \* The seller guarantees the material sold to be true to label, if labeled," borne on the label, were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since the article contained less than 2.75 per cent of nicotine and more than 97.25 per cent of inert ingredients.

On April 19, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$490.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1233. Misbranding of Go-Fecto No. 1. U. S. v. Goulard & Olena (Inc.). Plea of guilty. Fine, \$50. (I. & F. No. 1553. Dom. No. 28947.)**

Examination of the product Go-Fecto No. 1, involved in this action, showed that the article was intended for use as a fungicide and that the label failed to declare the inert ingredients in manner required by law.

On October 10, 1931, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Goulard & Olena (Inc.), a corporation, trading at Jersey City, N. J., alleging shipment by said company, on or about February 24, 1931, from the State of New Jersey into the State of Connecticut, of a quantity of Go-Fecto No. 1, which was a misbranded fungicide within the meaning of the insecticide act of 1910.

It was alleged in the information that the article was misbranded in that it consisted partially of an inert substance, to wit, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of the said inert substance so present were not stated plainly and correctly on the label borne on the package containing the said article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances, stated plainly and correctly on the label.

The interstate shipment of the product also involved a violation of the Federal caustic poison act (C. P. A. No. 3, N. J. No. 3), both violations being covered by one information. On November 17, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 as penalty for violation of both acts.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1234. Adulteration and misbranding of MacGregor's ant food. U. S. v. James D. MacGregor. Plea of guilty. Fine, \$300. (I. & F. No. 1533. Dom. Nos. 5842, 5843, 028278, 07986.)**

The product MacGregor's ant food, involved in this action, was represented to be effective in the control of certain insects. Examination showed that it would not be effective for such purposes. The product involved in one shipment was found to contain less borax and more inert ingredients than labeled.

On February 11, 1931, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against James D. MacGregor, Princeton, N. J. The information charged shipment by said defendant from the State of New Jersey into the State of Pennsylvania on various dates, namely, on or about July 10, 1929, April 29, 1930, and June 25, 1930, of quantities of MacGregor's ant food, which was an insecticide within the meaning of the insecticide act of 1910, a portion of which was adulterated and misbranded and the remainder of which was misbranded.

It was alleged in the information that the portion of the article shipped April 29, 1930, was adulterated in that the statements, "Borax 8% Inert 90%," borne on the cans containing the article, represented that its standard and quality were such that it contained borax in the proportion of not less than

8 per cent and contained inert matter, i. e., substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 90 per cent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 8 per cent of borax and more than 90 per cent of inert ingredients.

Misbranding of the said portion was alleged for the reason that the statements, "Borax 8% Inert 90%," borne on the label, were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that the said statements represented that the said article contained not less than 8 per cent of borax and not more than 90 per cent of inert ingredients, whereas it contained less borax and more inert ingredients than so represented. Misbranding was alleged with respect to the product involved in all shipments for the reason that the statements, "MacGregor's Ant Food \* \* \* An Amazing Discovery For Killing Ants, Cock Roaches, Woodlice, Snails and certain other Insects \* \* \* Directions Dust the Food freely about the places where the Ants etc., are noticed. (a) For use on Golf courses: Dust Ant Food lightly over the surface of the greens. (b) For Garden use: Dust over the surface of the soil near the plants. (c) For Greenhouse use: Dust on the soil in the benches also under the benches," borne on the labels, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective control for ants, cockroaches, wood lice, and snails, whereas it would not be an effective control for ants, cockroaches, wood lice, and snails.

On October 20, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1235. Misbranding of improved Kill-It. U. S. v. South Jersey Chemical Co. (Inc.). Plea of guilty. Fine, \$25. (I. & F. No. 1557. Dom. No. 29914.)**

Examination of the product improved Kill-It, involved in this action, showed that the article did not have certain insecticidal, curative, and disinfecting properties claimed for it in the labeling.

On October 5, 1931, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the South Jersey Chemical Co. (Inc.), a corporation, Vineland, N. J., alleging shipment by said company, on or about April 6, 1931, from the State of New Jersey into the State of Delaware, of a quantity of improved Kill-It, which was a misbranded insecticide and fungicide within the meaning of the insecticide act of 1910.

It was alleged in the information that the article was misbranded in that the statements, "Disinfectant \* \* \* Kills Pests and Parasites \* \* \* Fill spray halffull of Kill-it, and apply to any surface, cracks or crevices where mites, bugs, or parasites collect \* \* \* As insecticide—Spray Kill-it all over where these pests collect \* \* \* For Chicken Lice, Depluming Mites—Spray heavily over the chickens (at night) while they roost. If sprayed directly on the birds, do not give a bath, it might irritate the skin. Kill-it penetrates the feathers and destroys these parasites," and "To Prevent Disease of Chickens, Pigeons, Ducks, Etc. \* \* \* To Treat Diseases \* \* \* Chicken Pox— \* \* \* Roup and Cold \* \* \* Canker," borne on the label affixed to the can containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article was a disinfectant; that when used as directed it would be an effective insecticide for all pests, all parasites, all mites and all bugs, and for chicken lice and depluming mites; and when used as directed would prevent diseases of chickens, pigeons, ducks, etc., and would be effective as a remedy or cure for chicken pox, roup, cold, and canker in poultry; whereas the article was not a disinfectant; when used as directed it would not be an effective insecticide for all pests, all parasites, all mites and all bugs or for chicken lice and depluming mites; and would not prevent diseases of chickens, pigeons, ducks, etc., and would not be effective as a remedy or cure for chicken pox, roup, cold, and canker in poultry.

On October 16, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**1236. Adulteration and misbranding of Medina emulsion, Medina brand sulphur carrier dust, Ideal copper calcium arsenate lime dust, Medina brand dusting sulphur, and Medina brand 75 lime 25 lead arsenate dust. U. S. v. New York Insecticide Co. Plea of guilty. Fine, \$25. (I. & F. No. 1502. Dom. Nos. 25383, 02323, 02405, 03384, 03385.)**

Examination of the products involved in this action showed that they were insecticides or combined insecticides and fungicides, i. e., preparations intended for use in the control of insects or for both insects and fungi. The products described as Medina emulsion, Medina brand sulphur carrier dust, Ideal copper calcium arsenate lime dust, and Medina brand dusting sulphur were in each instance found to contain less active ingredients (ingredients effective for the purposes intended) and a larger amount of inert ingredients (ingredients ineffective for the said purposes) than declared on the respective labels. With the exception of the Medina brand dusting sulphur these four preparations failed to bear statements on the labels declaring the inert ingredients in manner required by law. The Medina brand 75 lime 25 lead arsenate dust contained less lead arsenate than represented; it contained arsenic in combination, also arsenic in combination and in water-soluble form, and failed to declare the amount thereof, expressed as metallic arsenic; it also failed to declare the inert ingredients in manner prescribed by law.

On August 23, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the New York Insecticide Co., Medina, N. Y., alleging shipment by said company, in violation of the insecticide act of 1910, on or about February 24, 1928, from the State of New York into the State of West Virginia, of a quantity of Medina emulsion, which was an adulterated and misbranded insecticide within the meaning of said act. The information alleged further shipments by the defendant as follows: A quantity of Medina brand sulphur carrier dust from New York to Maryland on or about March 8, 1928; a quantity of Ideal copper calcium arsenate lime dust from New York to Florida on or about March 29, 1928; a quantity of Medina brand dusting sulphur from New York to West Virginia on or about April 12, 1928; and a quantity of Medina brand 75 lime 25 lead arsenate dust from New York to Rhode Island on or about May 4, 1928, which said products were insecticides and fungicides within the meaning of the act.

Adulteration of the Medina emulsion was alleged in the information for the reason that the statements, "Active Ingredients Paraffin Base Oil 64% by vol. Inert Ingredients Water and Emulsifier 36% by vol.," borne on the label affixed to the drums containing the article, represented that its standard and quality were such that it contained paraffin base oil in the proportion of not less than 64 per cent by volume, and contained inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 36 per cent by volume, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 64 per cent by volume of paraffin base oil and more than 36 per cent by volume of inert ingredients.

Adulteration of the Medina brand sulphur carrier dust was alleged for the reason that the statements, "Active Ingredients Sulphur not less than 89.0% Inert Ingredients not more than 11.0%," borne on the label, represented that the article contained not less than 89 per cent of sulphur and not more than 11 per cent of inert ingredients, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 89 per cent of sulphur and more than 11 per cent of inert ingredients.

Adulteration of the Ideal copper calcium arsenate lime dust was alleged for the reason that the statements, "Monohydrated Copper Sulphate not less than 20.0% \* \* \* Inert Ingredients not more than 60.0%," borne on the label, represented that the article contained 20 per cent of monohydrated copper sulphate, and 60 per cent of inert ingredients, whereas the article fell below the professed standard and quality under which it was sold, in that it contained less than 20 per cent of monohydrated copper sulphate and more than 60 per cent of inert ingredients.

Adulteration of the Medina brand dusting sulphur was alleged for the reason that the statements, "Sulphur not less than 99.0% Inert Ingredients not more than 1.0%," borne on the label, represented that the article contained not less than 99 per cent of sulphur and not more than 1 per cent of inert ingredients, whereas the strength and purity of the article fell below the professed standard



and quality under which it was sold, in that it contained less than 99 per cent of sulphur and more than 1 per cent of inert ingredients.

Adulteration of the Medina brand 75 lime 25 lead arsenate dust was alleged for the reason that the statement, "25 Lead Arsenate Dust," borne on the label, represented that the article contained not less than 25 per cent of lead arsenate, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 25 per cent of lead arsenate.

Misbranding was alleged for the reason that the above-quoted statements appearing in the labeling of the respective articles, were false and misleading, and by reason of the said statements the articles were labeled and branded so as to deceive and mislead the purchaser. Misbranding was alleged with respect to the said Medina brand 75 lime 25 lead arsenate dust for the further reason that the article contained arsenic in combination, also arsenic in combination and in water-soluble form, and the total amount of arsenic present in the article, and the total amount of arsenic in water-soluble form, were not stated on the label, as per centum of metallic arsenic. Misbranding was alleged with respect to all products, with the exception of the Medina brand dusting sulphur, for the further reason that the articles consisted partially of inert substances, namely, substances that do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amounts of each of said inert substances or ingredients so present in the articles were not stated plainly and correctly on the labels affixed to the drums containing the said articles; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the articles having insecticidal or fungicidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly on the said labels.

On April 11, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1237. Adulteration and misbranding of Mechling's 75-5-20 dusting mixture. U. S. v. Mechling Bros. Chemical Co. Plea of guilty. Fine, \$300. (I. & F. No. 1542. Dom. No. 028293.)**

Examination of a product known as Mechling's 75-5-20 dusting mixture showed that the article was intended for use in the control of insects and fungi, and that it contained a smaller percentage of sulphur, an active ingredients, and a larger percentage of inert ingredients (ingredients ineffective for the purposes intended) than labeled.

On May 29, 1931, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Mechling Bros. Chemical Co., a corporation, Camden, N. J., alleging shipment by said company, in violation of the insecticide act of 1910, on or about March 8, 1930, from the State of New Jersey into the State of Pennsylvania, of a quantity of the said Mechling's 75-5-20 dusting mixture, which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statements, to wit, "Sulphur not less than 72%, \* \* \* Inert Ingredients not more than 24%," borne on the label affixed to the bags containing the article, represented that its standard and quality were such that it contained sulphur in the proportion of not less than 72 per cent, and contained inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not more than 24 per cent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 72 per cent of sulphur, and more than 24 per cent of inert ingredients.

Misbranding was alleged for the reason that the statements, "Sulphur not less than 72% \* \* \* Inert Ingredients not more than 24%," borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained not less than 72 per cent of sulphur, and not more than 24 per cent of inert ingredients, whereas it contained less sulphur and more inert ingredients than so represented.

On October 6, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1238. Adulteration and misbranding of Plantgard. U. S. v. 295 Sacks, et al., of Plantgard. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1562. S. No. 252.)**

This action involved two interstate shipments of Plantgard, a product intended for use in the control of insects and fungi. The active ingredients declared on the label of one shipment of the article were sulphur and sodium silicofluoride, and on the other, sulphur, silicofluoride, and naphthalene. Both lots of the article were found to contain smaller percentages of the active ingredients and a greater proportion of the inert ingredients than labeled. Accompanying the shipments of the product were two circulars containing unwarranted claims for the effectiveness of the article in the control of insects and fungi.

On January 12, 1932, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two hundred and ninety-five 100-pound sacks, one hundred 25-pound sacks, eight 100-pound drums, and six 25-pound drums of the said Plantgard. It was alleged in the libel that the article had been shipped by National Products (Inc.), from Quincy, Ill., on or about March 19, 1930, and November 19, 1930, to San Benito, Tex., that having been so transported it remained unsold in the original unbroken packages at San Benito, Tex., and that it was an adulterated and misbranded insecticide and fungicide, within the meaning of the insecticide act of 1910.

Adulteration of the article was alleged in the libel for the reason that the statements, "Active Ingredients Sulphur 15.6%, Sodium Silicofluoride 15.2%, Inert Ingredients 69.2%," borne on the label of the drums containing a portion of the article, and the statements, "Active Ingredients Sulphur 15%, Naphthalene 3%, Sodium Silicofluoride 15%, Inert Ingredients 67%," borne on the labels of the sacks containing the remainder, represented that its standard and quality were such that it contained not less than the declared proportions of the said active ingredients and contained not more than the declared proportions of inert ingredients, whereas the article contained less sulphur, less sodium silicofluoride, and more inert ingredients than labeled, and a portion contained less naphthalene than labeled.

Misbranding was alleged for the reason that the above-quoted statements appearing on the labels of the said drums and sacks were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained not less than the said proportions of active ingredients, and not more than the said proportions of inert ingredients, whereas it contained less active ingredients and more inert ingredients than so declared.

Misbranding was alleged for the further reason that the following statements borne on a circular headed "Plantgard The National Insecticide," a number of which were shipped with the article, "Non-Poisonous \* \* \* Safe \* \* \* Positively safe to human beings, animals, and birds, \* \* \* A non-poisonous powder \* \* \* Plantgard \* \* \* A Garden and Field \* \* \* Fungicide \* \* \* Rose, Nasturtiums and other flowering plants \* \* \* Powdery Mildew \* \* \* Beans—Mexican Bean Beetle \* \* \* Leaf-Eating Caterpillar, Leaf Hopper, \* \* \* Beets—Beetles, Webworm, Cotton—Boll Weevil, Cabbage, Lettuce, Cauliflower, Kale—Beetles, Cabbage Looper, Southern Cabbage Worm, Corn—Leaf-Eating Caterpillar \* \* \* Muskmelon, Evergreens, Ferns—Red Spider \* \* \* Bush Fruits—Weevil, Leaf Roller, Beetle. Raspberries, Blackberries, Strawberries—Saw Flies, Caterpillar. Carrots—Leaf-Eating Insects Egg Plant—Beetles, Lace Bug, Flea Hopper. Grapes—Berry Moth, Rose Chafer, Leaf Hopper. Potatoes—Potato Bug, Beetles, Leaf Hopper, Tomatoes—Climbing Cut Worm, Fruit Worm, Tomato Worm. Rose, Nasturtium and other flowering plants—Rose Chafer, Leaf Roller, Red Spider, Caterpillar, \* \* \* Kills Insects Plantgard for Garden Protection A Non-Poisonous Powder That Rids Your Garden of Insects and Worms," and the following statements borne on the circular headed "The Story of Plantgard," a number of which were also shipped with the article, "When an insect like the potato bug or the cabbage worm, \* \* \* to mention only a few of the insect pests which Plantgard controls—takes a dose of this powder into its system the result is poisoning, and the insect will not trouble you again. Almost any of the external leaf-eating insects which are likely to be of economic importance will be killed through the internal action of Plantgard. The inclusion of sulphur, an excellent insecticide and fungicide by itself, serves to give Plantgard added effectiveness in the control



of pests of the type of the red spider, and in withstanding certain fungous diseases. \* \* \* Use Plantgard on all Vegetables, Vine Plants, Grapes, Greenhouse Plants, Ornamental Evergreens and Shrubbery; Also for Rose Chafer, Leaf Roller, Red Spider, Leaf-Eating Caterpillars, Powdery Mildew on Roses, Nasturtiums and Other Flowering Plants \* \* \* 'I have used Plantgard for the first season this summer and find it one of the best dusts to kill red spider on evergreens I have ever used' \* \* \* 'I have since put some of your Plantgard on beans that were already infected with mildew—as we call it—and it checked it and it didn't spread any further, we didn't think.' \* \* \* 'I used the Plantgard very successfully on Lima Beans. It stopped wet weather blight. How I know that it stopped wet weather blight, I was half through dusting when rain stopped me from finishing. After the rain was over where I had dusted, I had no blight in the Beans and the remainder of the field was badly covered with blight, where there had been no dust.' \* \* \* 'Used your Plantgard on a small patch of cabbage that was worm infested, and can state that same had cleaned the patch absolutely, \* \* \* 'I have been using Plantgard for my flowers. It sure kills the insects.' \* \* \* 'It kept away insects very well, when I could keep it on. I tried it on Beans, Pumpkins, Grapes and Watermelon Vines.' \* \* \* 'I have used your Plantgard, and on tomatoes particularly, I am convinced it will do all you claim for it. In a field of several acres I sprayed seven rows of tomatoes, and can find no infection or blight of any kind on them, while the tomatoes on either side have been and are severely attacked.' \* \* \* 'In all cases I have found it to give perfect control of chewing insects. Apparently stops completely the action of cut worms. \* \* \* On beans and black eyed peas all diseases and insects have been controlled perfectly.' \* \* \* 'I am now ready to report that the striped melon beetle is absolutely eliminated, the flea hoppers on the egg plants are gone, and the leaf roller on the strawberries have been absolutely checked,' were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article was nonpoisonous, and when used as directed would be effective as a fungicide against all the fungus diseases for which it was recommended, and would be effective against the various insects above enumerated; whereas the said article was not nonpoisonous, it would not be effective as a fungicide against the fungous diseases for which it was recommended, and would not be effective against the insects enumerated in the above statements.

On March 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1239. Misbranding of Cresolene. U. S. v. Certifine Manufacturing Co. (Inc.). Plea of guilty. Fine, \$25. (I. & F. No. 1575. Dom. No. 38802.)**

Examination of a product, known as Cresolene, showed that the article did not possess the antiseptic, disinfecting, and deodorizing properties claimed for it in the labeling, also that the label failed to declare the inert ingredients present in the article in a manner prescribed by the law.

On May 23, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Certifine Manufacturing Co. (Inc.), a corporation, trading at Philadelphia, Pa., alleging shipment by said company, in violation of the insecticide act of 1910, on or about August 13, 1931, from the State of Pennsylvania into the State of Massachusetts of a quantity of Cresolene which was a misbranded fungicide within the meaning of the said act.

It was alleged in the information that the article was misbranded in that the following statements, "The Ideal Antiseptic, Disinfectant and Deodorant Uses Cleaning Floors—When mopping or scrubbing floors, add a few tablespoonfuls to each pail of water. Each crack and crevice thus is disinfected. Kitchen Sinks—Pour a few drops on a moist cloth and wipe the sink. Wash off with water or wipe dry as preferred. Water Closets and Urinals—Pour a few tablespoonfuls into a closet and urinal bowls. Chambers and Slop Bowls—Pour a few tablespoonfuls into vessels and rinse. Douches—One teaspoonful to one quart of warm water. Wounds—One teaspoonful to one pint boiled water. Sickrooms, Closets, Drains—Three teaspoonfuls to one quart of water. Carpets, Rugs, Etc.—Two teaspoonfuls to one quart of water. Hand Solution—One tea-



spoonful to one pint of water," borne on the label affixed to the bottles containing the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since they represented that the article was an ideal antiseptic, disinfectant, and deodorant; that when used as directed it would disinfect each crack and crevice of the floor; would disinfect sinks; would disinfect water closets, urinals, chambers, and slop bowls; would be an effective antiseptic as a douche; would be an effective antiseptic for wounds; would disinfect drains; would be an effective disinfectant for carpets, rugs, etc.; and would be an effective disinfectant for the hands; whereas it was not an ideal antiseptic, disinfectant, and deodorant, and the article, when used as directed would not be effective for the said purpose. Misbranding was alleged for the further reason that the article consisted partially of an inert substance, to wit, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of the said inert substance so present in the article, were not stated plainly and correctly, or at all, on the label; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances present in the article, stated plainly and correctly, or at all, on the said label.

On June 14, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1240. Adulteration and misbranding of Green Cross Beetle Mort. U. S. v. 3 Cartons of Green Cross Beetle Mort. Default decree of condemnation and destruction. (8581-A. I. & F. No. 1589.)**

Examination of a product, intended for use as an insecticide and labeled "Green Cross Beetle Mort," showed that the article contained less calcium arsenate (the effective ingredient) and a larger amount of inert (ineffective) ingredients than represented in the labeling. The article contained a larger proportion of water-soluble arsenic than labeled, and would be injurious to certain vegetation when used as directed.

On May 21, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three cartons, each containing twenty-four 1-pound cartons of the said Green Cross Beetle Mort. It was alleged in the libel that the article had been shipped on or about December 23, 1930, from Vineland, N. J., by the Lucas Kil-Tone Co., into the State of Pennsylvania, that having been so transported it remained unsold in the original unbroken packages at Pittsburgh, Pa., and that it was an adulterated and misbranded insecticide other than Paris green and lead arsenate, within the meaning of the insecticide act of 1910.

Adulteration was alleged in the libel for the reason that the article was intended for use on vegetation, and when used on certain vegetation as directed by the label it would be injurious to the foliage thereof. Adulteration was alleged for the further reason that the statements to wit, "Calcium Arsenate 40.00-45.00% \* \* \* Inert Ingredients—Not more than 30.00% Total Arsenic (expressed as Metallic) 18.00-21.00% Water Soluble Arsenic—Expressed as Metallic—not more than 1.00%," borne on each of the 1-pound cartons and on each of the 1-pound bags within the said cartons, represented that the article contained calcium arsenate in the proportion of not less than 40 per cent, that it contained inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 30 per cent, contained total arsenic, expressed as metallic, in the proportion of not less than 18 per cent, and contained water-soluble arsenic, expressed as metallic, in a proportion of not more than 1 per cent; whereas the article contained less than 40 per cent of calcium arsenate, it contained more than 30 per cent of inert ingredients, it contained less than 18 per cent of total arsenic, expressed as metallic, and it contained more than 1 per cent of water-soluble arsenic, expressed as metallic.

Misbranding was alleged for the reason that the above-quoted statements, appearing on the said cartons and bags, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since it contained less calcium arsenate and less total arsenic, expressed as metallic, than so represented, and it contained

a larger amount of inert ingredients, i. e., substances which do not prevent, destroy, repel, or mitigate insects, than represented, and it contained more water soluble arsenic, expressed as metallic, than so represented.

Misbranding was alleged for the further reason that the following statements, "For Killing \* \* \* And Other Leaf Eating Insects to be applied as a dust or spray for \* \* \* Melons And Other Ground Crops Having Hardy Foliage \* \* \* Against most leaf-eating insects affecting \* \* \* Melons, and other Hardy Foliage. Six to eight pounds per acre under normal conditions is sufficient for the above-named crops. \* \* \* The seller guarantees the material sold to be true to label," borne on the labels of the said cartons and bags, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article might be safely used on melons and that it was true to label, whereas it could not be safely used on melons and it was not true to label.

On June 29, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1241. Misbranding of All-Nu antiseptic animal soap. U. S. v. All-Nu Products Co. Plea of guilty. Defendant company placed on probation for six months. (I. & F. No. 1576. Dom. No. 30798.)**

The All-Nu antiseptic animal soap involved in this action was represented to be an antiseptic. It was further represented to be effective to keep the skins and coats of animals healthy and free from vermin, and to be a preventative for skin troubles such as eczema and mange. Examination showed that the article would not be effective for the purposes represented; that the cans containing the article were short of the declared volume; and that the inert ingredients, i. e., ingredients ineffective for certain purposes for which the article was intended, were not declared on the label as required by law and in the manner prescribed.

On April 18, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the All-Nu Products Co., a corporation, trading at Camden, N. J., alleging shipment by said company, on June 9, 1931, from the State of New Jersey into the State of Pennsylvania, of a quantity of All-Nu antiseptic animal soap, which was a misbranded insecticide and fungicide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the information for the reason that the statements, "Antiseptic Animal Soap \* \* \* All-Nu Antiseptic Animal Soap \* \* \* The Antiseptic Properties in this Soap \* \* \* All-Nu Antiseptic Animal Soap is Especially Prepared for Keeping the Skin and Coat of Animals \* \* \* Free from Vermin \* \* \* and in a Healthy Condition, \* \* \* The Antiseptic Properties in this Soap are a Preventative for Skin Troubles such as Eczema or Mange," borne on the label of the cans containing the article, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article was antiseptic, that when used as directed it would keep the skins and coats of animals free from all vermin and in a healthy condition, and would act as a preventative for all skin troubles such as eczema and mange: whereas the said article was not antiseptic, and when used as directed it would not keep the skins and coats of animals free from all vermin and in a healthy condition, and would not act as a preventative for all skin troubles such as eczema and mange. Misbranding was alleged for the further reason that the quantity of the contents of the cans was not stated correctly on the outside thereof, since they were labeled "8 Fluid Ounces," and contained less than that amount. Misbranding was alleged for the further reason that the article consisted partially of an inert substance, to wit, water, i. e., a substance that does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert substance so present in the article were not stated plainly and correctly on the label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances present in the article, stated plainly and correctly on the label.



On May 24, 1932, a plea of guilty to the information was entered, and the court placed the defendant company on six months' probation.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1242. Adulteration and misbranding of S-9, Medina brand process copper arsenic dust. U. S. v. New York Insecticide Co. (Inc.). Plea of guilty. Fine, \$25. (I. & F. No. 1546. Dom. No. 036548.)**

This action was based on an interstate shipment of a product intended for use as an insecticide, labeled S-9 Medina brand process copper arsenic dust, which analysis showed contained smaller proportions of copper, expressed as metallic copper, and monohydrated copper sulphate, and a larger proportion of inert ingredients (ingredients ineffective for insecticidal purposes) than labeled.

On August 10, 1931, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the New York Insecticide Co. (Inc.), a corporation, Medina, N. Y., alleging shipment by said company, in violation of the insecticide act of 1910, on or about April 5, 1930, from the State of New York into the State of Michigan, of a quantity of the said S-9, Medina brand process copper arsenic dust, which was an adulterated and misbranded insecticide other than Paris green and lead arsenate, within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statements, "9% Copper \* \* \* Copper Sulphate (as monohydrate) not less than 25.0% \* \* \* Inert Ingredients not more than 59.0% \* \* \* Total Copper (as metallic) not less than 9.0%," borne on the tag attached to each of the drums containing the said article, represented that its standard and quality were such that it contained copper, expressed as metallic copper, in the proportion of not less than 9 per cent, that it contained monohydrated copper sulphate in the proportion of not less than 25 per cent, and that it contained inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 59 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 9 per cent of copper, expressed as metallic copper, it contained less than 25 per cent of monohydrated copper sulphate, and contained more than 59 per cent of inert ingredients.

Misbranding was alleged for the reason that the above-quoted statements, appearing on the tags attached to the drums containing the article, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained not less than 9 per cent of copper, expressed as metallic copper, that it contained not less than 25 per cent of monohydrated copper sulphate, and not more than 59 per cent of inert ingredients; whereas the said article contained less copper, expressed as metallic, less monohydrated copper sulphate, and a greater proportion of inert ingredients than so represented.

On April 11, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1243. Misbranding of Lustrwax. U. S. v. 6 Cartons of Lustrwax. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1568. S. No. 256.)**

Examination of samples of Lustrwax, a product labeled as being effective to repel and prevent injury from insects and to disinfect and kill germs, showed that it would not be effective for such purposes. The article was not non-poisonous as claimed in the labeling.

On or about January 25, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six cartons each containing 30 bottles of Lustrwax. It was alleged in the libel that the article had been shipped on or about September 9, 1930, by the Lustrwax Co., from Kansas City, Mo., into the State of Oklahoma, that having been so transported it remained unsold in the original unbroken packages at Oklahoma City, Okla., and that it was a misbranded insecticide and fungicide within the meaning of the insecticide act of 1910.



Misbranding of the article was alleged in the libel for the reason that the statements, to wit, (bottle) "Disinfects \* \* \* and disinfects. \* \* \* Its disinfectant properties. \* \* \* If used regularly it also repels moths, roaches and other insect pests. \* \* \* It is harmless," (large circular) "The Cleaning, Disinfecting Polish \* \* \* Toilet Bowls \* \* \* Its disinfecting properties give it added value for this purpose. \* \* \* Disinfecting. Although Lustrwax is harmless to hands, finishes and all life except germs \* \* \* it is a valuable disinfectant. Health authorities say it is adequate for all ordinary disinfecting purposes. Its regular use, therefore, keeps premises safe as well as beautiful, because, it kills germs—which are almost universally present at all times. \* \* \* The Cleaning Polish that Disinfects \* \* \* In the bathroom alone, Lustrwax is worth its price. Remember, it kills germs—besides being an excellent cleaner for bathtub and fixtures. \* \* \* Cleans, Polishes, Disinfects \* \* \* Lustrwax also kills germs \* \* \* It disinfects \* \* \* It is harmless \* \* \* to all life except \* \* \* germs. \* \* \* It Keeps Insects away \* \* \* Lustrwax also \* \* \* drives insect pests away, \* \* \* It is harmless \* \* \* to all life except insects \* \* \* While it cleans \* \* \* and repels insects \* \* \* Although Lustrwax is harmless to \* \* \* all life except \* \* \* insects \* \* \* Repelling Insects. Ants, roaches, waterbugs and other insect pests will not frequent premises where Lustrwax is used regularly (and frequently) for cleaning and polishing. Housewives report that damage by moths can be prevented by using Lustrwax once a week or oftener on closet floors and baseboards and the woodwork of upholstered furniture. They also say that, although Lustrwax will not kill bedbugs, it will keep them away if beds and springs are cleaned and polished with it. Lustrwax users say mosquitoes can be kept out of the house \* \* \* and that bugs attracted by lights can sometimes be kept from becoming a nuisance if light bulbs or fixtures are rubbed with a Lustrwax cloth each evening. It is harmless \* \* \* to all life except insects and germs \* \* \* It is harmless to all other forms of life \* \* \* is harmless to \* \* \* all life except germs and insects," (small circular) The Cleaning Polish That Disinfects \* \* \* Genuine Lustrwax is the Cleaning Polish that Disinfects \* \* \* Lustrwax is the improved scientific polish which cleans and disinfects," (from the streamer) "Disinfects," (letter to dealer) "Lustrwax the cleaning polish that disinfects \* \* \* Disinfects," appearing in the label, circulars, streamer, and letter to dealer, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would disinfect and kill germs, would be an effective repellent against moths, roaches, ants, waterbugs, bedbugs, and all insect pests, would be effective against all insects, would prevent moth damage, would keep mosquitoes out of the house and bugs away from lights, and that the article was nonpoisonous; whereas the said article, when used as directed, would not disinfect and kill germs, would not be an effective repellent against moths, roaches, ants, waterbugs, bedbugs, and all other insect pests, would not be effective against all insects, would not prevent moth damage, would not keep mosquitoes out of the house and bugs away from lights, and the said article was not nonpoisonous.

On March 21, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1244. Misbranding of Odora cedar fluid. U. S. v. Odora Co. (Inc.). Plea of guilty. Fine, \$25. (I. & F. No. 1565. Dom. No. 29171.)**

This action was based on an interstate shipment of a product, known as Odora cedar fluid, which was represented to be a moth repellent. Examination of the article showed that it would not afford the moth protection claimed.

On April 11, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Odora Co. (Inc.), a corporation, New York, N. Y., alleging shipment by said company on or about January 23, 1931, in violation of the insecticide act of 1910, from the State of New York into the State of New Jersey, of a quantity of the said Odora cedar fluid which was a misbranded insecticide within the meaning of said act. Accompanying the shipment were a number of so-called Motholators, a device intended for use with the article.

It was alleged in the information that the article was misbranded in that the statements, to wit, "The Ideal Moth Repellant \* \* \* Efficient \* \* \* Makes Every Closet A Cedar Closet \* \* \* The Vapors emitted protect contents of closet from Destructive moths," borne on the cartons containing the Odora Cedar Fluid, and the statements, to wit, "Use Odora Motholator with Odora Cedar Fluid for Complete Moth Protection \* \* \* For use with Odora Cedar Fluid The Scientific Moth Repellent Makes Every Closet A Cedar Closet," borne on the cartons inclosing the said Motholators, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be efficient in repelling moths, would protect the contents of closets from destructive moths, would make every closet as effective against moths as would a cedar closet, would furnish complete moth protection, and would act as a scientific moth repellent; whereas the article, when used as directed, would not be effective for the said purposes.

On June 20, 1932, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**1245. Adulteration and misbranding of Favorite chlorinated lime. U. S. v. 150 Cans of Favorite chlorinated lime. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1586. S. No. 271.)**

Examination of samples of Favorite chlorinated lime taken from the shipment herein described showed that the article was a fungicide as defined by law and that it contained a smaller proportion of available chlorine (the effective ingredient) and a larger proportion of inert (ineffective) ingredients than represented in the labeling.

On May 4, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cans of the said Favorite chlorinated lime. It was alleged in the libel that the article had been shipped by B. T. Babbitt (Inc.), on or about February 25, 1932, from Albany, N. Y., to Elizabeth, N. J., that having been so transported it remained unsold in the original unbroken packages at Elizabeth, N. J., and that it was an adulterated and misbranded fungicide within the meaning of the insecticide act of 1910.

Adulteration of the article was alleged in the libel for the reason that the statements, "Active Ingredients Available Chlorine not less than 24% Inert ingredients not more than 76%," borne on the label affixed to the cans containing the said article, represented that its standard and quality were such that it contained available chlorine in the proportion of not less than 24 per cent, and contained inert ingredients, i. e., substances that do not prevent destroy, repel, or mitigate fungi (bacteria), in the proportion of not more than 76 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained less than 24 per cent of available chlorine, and more than 76 per cent of inert ingredients.

Misbranding was alleged for the reason that the above-quoted statements from the can label were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since the said statements represented that the article contained not less than 24 per cent of available chlorine and not more than 76 per cent of inert ingredients; whereas it contained less than 24 per cent of available chlorine and more than 76 per cent of inert ingredients.

On June 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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